## REMARKS

Claims 1-50 are pending in the present application. By this Response, claims 1-5, 7-14, 17-23, 25-32, 35-39, and 41-48 are amended.

Claims 1, 17, 19, and 35 are amended to recite "responsive to receiving a request to migrate an application from a source data processing system to a destination data processing system, querying a data store at the source data processing system containing meta data regarding files associated with the application, wherein the meta data describes associations between the files and applications that have accessed the files; receiving a result in response to querying the data store, wherein the result includes meta data for each file associated with the application; identifying a list of files associated with the application from the meta data; and initiating copying of files in the list of files from the source data processing system to a correct location on the destination data processing system, wherein the correct location is determined by examining system configuration of the destination data processing system." These features are supported at least on page 16, lines 8-11, page 21, line 4 to page 22, line 17, and in Figures 15 and 16 of the current specification.

Claims 2, 20, and 36 are amended to recite "presenting the list of files to a user in a user interface; and responsive to receiving a user selection of a set of files from the list of files, storing the set of files selected by the user at the destination data processing system." These features are supported at least on page 22, lines 6-17 and in Figure 16 of the current specification.

Claims 3, 21, and 37 are amended to recite "identifying from the meta data a file name and a file location for each file associated with the application; and building a list of files associated with the application using the file name and file location for each file associated with the application." These features are supported at least on page 14, lines 15-18, page 16, lines 24 to page 17, line 2, and in Figures 4 and 5 of the current specification.

Claims 4, 22, and 38 are amended to recite "wherein the meta data comprises a last update date of each file, a last access time of each file, a name of each file, a location of each file, an application associated with each file, and a user associated for each file."

These features are supported at least on page 17, line 2, and in Figure 5 of the current specification.

Claims 5, 23, and 39 are amended to recite "wherein the identifying and initiating steps are performed by an agent at the destination data processing system, and wherein the agent performs the identifying and initiating steps at a specified time when normal daily operations are not impacted." These features are supported at least on page 21, lines 18-25 of the current specification.

Claims 7, 25, and 41 are amended to recite "copying files in the list of files from the source data processing system to a management server for temporary storage; and copying the files from the management server to the destination data processing system." These features are supported at least on page 16, lines 3-5 of the current specification.

Claims 8, 18, 26, and 42 are amended to recite "responsive to receiving a request to migrate an application from a source data processing system to a destination data processing system, querying a data store at the source data processing system containing data regarding files associated with the application, wherein the data store includes meta data describing associations between the files and applications that have accessed the files; receiving a result in response to querying the data store, wherein the result includes meta data for each file associated with the application; identifying a list of files associated with the application from the meta data; presenting the list of files to a user in a user interface; responsive to receiving a user selection of a set of files from the list of files, requesting the set of files selected by the user from the source data processing system; and responsive to receiving the set of files selected by the user from the source data processing system, storing the set of files selected by the user in a correct location on the destination data processing system, wherein the correct location is determined by examining system configuration of the destination data processing system." These features are supported at least on page 16, lines 8-11, page 21, line 4 to page 22, line 17, and in Figures 15 and 16 of the current specification.

Claims 9, 27, and 43 are amended to recite "identifying from the meta data a file name and a file location for each file associated with the application; and building a list of files associated with the application using the file name and file location for each file associated with the application." These features are supported at least on page 14, lines

15-18, page 16, lines 24 to page 17, line 2, and in Figures 4 and 5 of the current specification.

Claims 10, 28, and 44 are amended to recite "copying the set of files from the source data processing system to a management server for temporary storage; and copying the set of files from the management server to the destination data processing system" These features are supported at least on page 16, lines 3-5 of the current specification.

Claims 11, 29, and 45 are amended to recite "wherein the meta data comprises a last update date of each file, a last access time of each file, a name of each file, a location of each file, an application associated with each file, and a user associated for each file." These features are supported at least on page 17, line 2, and in Figure 5 of the current specification.

Claims 12, 30, and 46 are amended to recite "identifying and initiating steps are performed by an agent at the destination data processing system, and wherein the agent performs the identifying and initiating steps at a specified time when normal daily operations are not impacted." These features are supported at least on page 21, lines 18-25 of the current specification.

Claims 13, 31, and 47 are amended to recite "presenting a verification of transfer of the files to the user" These features are supported at least on page 21, lines 6-17 and in Figure 16 of the current specification.

Claims 14, 32, and 48 are amended to recite "A method for migrating files from a source data processing system to a destination data processing system, the method comprising: receiving an access request from a program at the source data processing system to access a file, wherein the request is received at an operating system level; storing an association between the file and the program in a data store; querying the data store at the source data processing system for files associated with the program; receiving a result in response to querying the data store, wherein the result includes a list of file names and file locations of files associated with the program; and initiating copying of the files from a source data processing system on which the files are located to a correct location on a destination data processing system using the result, wherein the correct location is determined by examining system configuration of the destination data

processing system." These features are supported at least on page 16, lines 8-11, page 14, lines 15-18, page 16, lines 24 to page 17, line 2, page 21, line 4 to page 22, line 17, and in Figures 4, 5, 15, and 16 of the current specification.

No new matter has been introduced by the amendments to claims 1-5, 7-14, 17-23, 25-32, 35-39, and 41-48. Reconsideration in view of the above amendments and the following Remarks of the claims is respectfully requested.

I.      **35 U.S.C. § 102(e), Alleged Anticipation, Claims 1-6, 8-24, 26-40, and 42-50**

The Office Action rejects claims 1-6, 8-24, 26-40, and 42-50 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,714,952 to Dunham et al. (hereinafter Dunham). This rejection is respectfully traversed.

With respect to this rejection, a prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218, U.S.P.Q. 781 (Fed. Cir. 1983). Specifically, Dunham does not teach

> With regard to claim 1, the Office Action states the following:
> As per claim 1, a method in a data processing system for migrating an application from a source data processing system to a destination data processing system (col. 2, lines 55-64), the method comprising:
> querying a data store containing meta data regarding files associated with the application (col. 2, lines 39-43, col. 3, lines 7-17, col. 5, lines 63-67), wherein the data store includes meta data describing the files accessed by the application (col. 5, lines 21-25, col. 6, lines 50-56, col. 7, lines 11-15, Fig. 1-2);
> receiving a result in response to querying the data store (col. 7, lines 39-49, lines 58-60); and initiating copying of the files from the source data processing system to the destination data processing system using the result (col. 2, lines 48-51, col. 8, lines 1-3).

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Amended independent 1, which is representative of claims 17, 19, and 35 with regard to similarly recited subject matter, now recites:

1. A method in a data processing system for migrating an application from a source data processing system to a destination data processing system, the method comprising:

responsive to receiving a request to migrate an application from a source data processing system to a destination data processing system, querying a data store at the source data processing system containing meta data regarding files associated with the application, wherein the meta data describes associations between the files and applications that have accessed the files;

receiving a result in response to querying the data store, wherein the result includes meta data for each file associated with the application;

identifying a list of files associated with the application from the meta data; and

initiating copying of files in the list of files from the source data processing system to a correct location on the destination data processing system, wherein the correct location is determined by examining system configuration of the destination data processing system (emphasis added).

Dunham does not teach the features emphasized above. The Office Action alleges that Dunham teaches the feature of responsive to receiving a request to migrate an application from a source data processing system to a destination data processing system, querying the data store at the source data processing system containing meta data regarding files associated with the application at column 2, lines 39-43, and at column 3, lines 7-17, which read as follows:

A request is issued by a client for the data file and one or more meta data files from a file storage area. A file server obtains each of the one or more metadata files. In response to the request, the one or more metadata files are provided to said client in a single response.

Dunham, Column 2, Lines 39-43.

A file server system provides data to be backed up to the backup computer system. A metadata service included in the file server system responds using remote procedure calls to requests from the backup agent for metadata. The metadata service provides at least two metadata files for a data file being backed up as a parameter included in a first of the remote procedure calls. Each of the two metadata files includes file attributes corresponding to a different file system used by one of the at least two computer systems. A network connection between the backup agent and the metadata service transmits the at least two metadata files. (Emphasis added).

Dunham, Column 3, Lines 7-17.

> The catalogue 32 is generally a description of the various files and associated attributes or metadata for each of the files included in backup storage devices 22a and 22b. Generally, the catalogue 32 may include, for example, different file names by which a single set of file data may be...

Dunham, Column 5, Lines 63-67.

In the first section, Dunham merely teaches retrieving one or more meta data files in responsive to a request for the data file and the one or more meta data files. Dunham does not teach querying a data store at the source data processing system containing meta data regarding files associated with the application, responsive to receiving a request to migrate an application from a source data processing system to a destination data processing system. In none of the above sections does Dunham teach or suggest a request for migration of applications. Dunham only teaches a request for the data file and one or more meta data files. Therefore, Dunham fails to teach receiving a request to migrate an application from a source data processing system to a destination data processing system, querying the data store at the source data processing system containing meta data regarding files associated with the application, as recited in claims 1, 11, 17, 19, and 35 of the present invention.

In addition, Dunham does not teach meta data regarding files associated with the application. Rather, in the second section above, Dunham teaches that the meta data includes file attributes corresponding to a different file system. At column 2, lines 17-24, Dunham recites the following regarding the metadata that is requested from the backup agent:

> Generally, metadata describes one point of view or interpretation of file data in accordance with, for example, one particular file system. Metadata includes file attributes describing a particular set of file data. Examples of metadata may include, for example, file size, record size, date information, edit history or modification information associated with the file data, and user access information. (Emphasis added)

Dunham, Column 2, Lines 17-24.

In the above section, Dunham explicitly teaches that the metadata describes an "interpretation of file data" according to a "particular file system." Thus, Dumham only teaches meta data that describes file attributes, such as file size, date information, that are associated with a data file for a particular file system, as opposed to meta data regarding files associated with an application.

Furthermore, Dunham does not teach meta data that describes associations between the files and applications that have accessed the files. The Office Action alleges that Dunham teaches these features at column 5, lines 21-25, column 6, lines 50-56, and column 7, lines 11-15, which read as follows:

> Each of the storage devices 20a-20c may be one of a variety of different storage devices know to those skilled in the art. They may include, for example, a disk or magnetic tape, or a disk array, such as Symmetrix ICDA manufactured by EMC corporation.

Dunham, column 5, lines 21-25.

> Generally, the file system 42 and the metadata service 44 communicate with the backup agent 36 of FIG. 2 in performing the backup process and functions associated herewith. Similarly, these components of the file server generally communicate with the restore agent 38 of the backup/restore server, as previously described in conjunction with FIG. 2 when performing restore operations.

Dunham, column 6, lines 50-56.

> Functionally, the meta data service 44 provides for collecting and gathering the one or more sets of file attributes included in metadata associated with a single set of file data as included in this network supporting a multi-lingual file system with a multi-lingual file server.

Dunham, column 7, lines 11-15.

In the above sections, Dunham merely teaches meta data that includes file attributes that are associated with a single set of file data. In nowhere in the above sections, or any other section of the reference, does Dunham teach or suggest meta data that describes associations between files and applications that have accessed the files. Since Dunham is only interested in file attributes that are associated with a data file for a particular file system and not files that are associated with a particular application, Dunham does not and would not teach meta data that describes files associated with an application, let alone associations between files and applications that have accessed the files. Therefore, Dunham also fails to teach meta data that describes associations between the files and applications that have accessed the files, as recited in claims 1, 11, 17, 19, and 35 of the present invention.

Furthermore, Dunham does not teach receiving a result in response to querying the data store, wherein the result includes meta data for each file associated with the application. As discussed above, Dunham only teaches meta data that includes file

attributes describing a particular set of file data. Since Dunham is only interested in meta data that associates file attributes and not files that are associated with an application, Dunham does not teach and would not teach receiving result that includes meta data for each file associated with the application, as recited in claims 1, 11, 17, 19, and 35 of the present invention.

Moreover, Dunham does not teach identifying a list of files associated with the application from the meta data. At column 7, line 64 to column 8, line 4 and in Figure 4, Dunham teaches that the data and meta data for the files to be backed up are transferred from storage to the backup/restore server. The backup server then transfers the data and meta data to the backup storage location and updates the catalogue with the appropriate metadata. Thus, Dunham teaches that the meta data is transferred along with the data from a storage to a backup storage location in order to update the catalogue. The catalogue is a description of various files and associated attributes or meta data for each of the files in the backup storage devices (column 5, lines 62-65). The meta data is not used in any way to identify a list of files that are associated with an application. Rather, the meta data is only used to update the catalog which contains a description of files and associated attributes. Therefore, Dunham fails to teach identifying a list of files associated with the application from the meta data, as recited in claims 1, 11, 17, 19, and 35 of the present invention.

In addition, Dunham does not teach initiating copying of files in the list of files from the source data processing system to a correct location on the destination data processing system, wherein the correct location is determined by examining system configuration of the destination data processing system. Nowhere in the reference does Dunham teach determining a correct location the destination data processing system by examining the system configuration of the destination data processing system. Dunham merely teaches transferring data and meta data from a storage to a backup storage location. Therefore, Dunham also fails to teach initiating copying of files in the list of files from the source data processing system to a correct location on the destination data processing system, wherein the correct location is determined by examining system configuration of the destination data processing system, as recited in claims 1, 11, 17, 19, and 35 of the present invention.

In view of the above, Applicants respectfully submit that Dunham does not teach each and every feature of independent claims 1, 11, 17, 19, and 35 as is required under 35 U.S.C. § 102(e). At least by virtue of their dependency on claims 1, 11, 17, 19, and 35 respectively, Dunham does not teach each and every feature of dependent claims 2-7, 12-13, 20-25, and 36-41. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-7, 11-13, 17, 19-25, and 35-41 under 35 U.S.C. § 102(e).

With regard to amended independent claim 8, which is representative of claims 18, 26, and 42 with regard to similarly recited subject matter, now recites:

> 8.      A method in a data processing system for migrating an application, the method comprising:
>       responsive to receiving a request to migrate an application from a source data processing system to a destination data processing system, querying a data store at the source data processing system containing data regarding files associated with the application, wherein the data store includes meta data describing associations between the files and applications that have accessed the files;
>       receiving a result in response to querying the data store, wherein the result includes meta data for each file associated with the application;
>       identifying a list of files associated with the application from the meta data;
>       presenting the list of files to a user in a user interface;
>       responsive to receiving a user selection of files from the list of files, requesting a set of files selected by the user from the source data processing system; and
>       responsive to receiving the set of files selected by the user from the source data processing system, storing the set of files selected by the user in a correct location on the destination data processing system, wherein the correct location is determined by examining system configuration of the destination data processing system (emphasis added).

In addition to the features discussed in arguments presented for claims 1, 11, 17, 19, and 35 that are not taught by Dunham, Dunham also fails to teach the features of presenting the list of files to a user in a user interface or responsive to receiving a user selection of a set of files from the list of files, requesting the set of files selected by the user from the source data processing system. There is no teaching or suggestion in Dunham of presenting the list of files that are associated with an application to a user in a user interface, because Dunham is only interested in transferring data and meta data to a backup storage location in order to update a catalogue of file data. Dunham is not interested in presenting a list of files to a user or requesting files that are selected by the

user from the source data processing system. Rather, at column 7, line 64 to column 8, line 4, Dunham only teaches transferring the data and meta data directly from the storage to the backup storage location without any user selection. Since Dunham does not teach presenting a list of files to a user interface, Dunham would not teach requesting a set of files that are selected by the user from the source data processing system responsive to receiving a user selection of the set of files from the list of files, as recited in claims 8, 18, 26, and 42 of the present invention.

Furthermore, Dunham does not teach responsive to receiving the set of files selected by the user from the source data processing system, storing the set of files selected by the user in the destination data processing system. Since Dunham does not teach a user selection of files from a list of files, Dunham also does not teach storing the set of files selected by the user in the destination data processing system. To the contrary, Dunham teaches transferring the meta data and data from a storage to a backup storage location without any user selection. Therefore, Dunham does not teach responsive to receiving the set of files selected by the user from the source data processing system, storing the set of files selected by the user in the destination data processing system, as recited in claims 8, 18, 26, and 42 of the present invention.

In view of the above, Applicants respectfully submit that Dunham does not teach each and every feature of independent claims 8, 18, 26, and 42 as is required under 35 U.S.C. § 102(e). At least by virtue of their dependency on claims 8, 18, 26, and 42 respectively, Dunham does not teach each and every feature of dependent claims 9-13, 27-31, and 43-47. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 8-13, 18, 26-31, and 42-47 under 35 U.S.C. § 102(e).

With regard to amended independent claim 14, which is representative of claims 32 and 48 with regard to similarly recited subject matter, now recites:

14. A method for migrating files from a source data processing system
to a destination data processing system, the method comprising:
receiving an access request from a program at the source data
processing system to access a file, wherein the request is received at an
operating system level;
storing an association between the file and the program in a data
store;
querying the data store at the source data processing system for
files associated with the program;

receiving a result in response to querying the data store, wherein the result includes a list of file names and file locations of files associated with the program; and

initiating copying of the files from a source data processing system on which the files are located to a correct location on a destination data processing system using the result, wherein the correct location is determined by examining system configuration of the destination data processing system.

In addition to the features discussed in arguments presented for claims 1, 11, 17, 19, and 35 that are not taught by Dunham, Dunham also fails to teach the features of receiving a result in response to querying the data store, wherein the result includes a list of file names and file locations of files associated with the program. At column 2, lines 20-25, Dunham teaches that the meta data includes file attributes describing a particular set of file data and examples of meta data include file size, record size, data information, edit history, or modification information associated with the file data, and user access information. Nowhere does Dunham teach that receiving a result that includes a list of file names and files locations of files that are associated with the program. Since Dunham is only interested file attributes for a particular set of file data and not interested in files associated with the application, Dunham would not teach a list of file names and file locations of files that are associated with an application. Therefore, Dunham does not teach receiving a result in response to querying the data store, wherein the result includes a list of file names and file locations of files associated with the program, as recited in claims 14, 32 and 48 of the present invention.

In view of the above, Applicants respectfully submit that Dunham does not teach each and every feature of independent claims 14, 32, and 48 as is required under 35 U.S.C. § 102(e). At least by virtue of their dependency on claims 14, 32 and 48 respectively, Dunham does not teach each and every feature of dependent claims 15-16, 33-34, and 49-50. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 14-16, 32-34, and 48-50 under 35 U.S.C. § 102(e).

II.    **35 U.S.C. § 103(a), Alleged Obviousness, Claims 7, 25, and 41**

The Office Action rejects claim 7, 25, and 41 under 35 U.S.C. § 103(a) as being unpatentable over Dunham in view of Office Notice. This rejection is respectfully traversed.

With regard to claim 7, the Office Action states the following:

> However, Dunham does not teaches as per claim 7, the method of claim 1, wherein the application is one of a word processor, a spreadsheet program, an email program, or a browser.
> Office Notice is taken; it is obvious to one ordinary skill in the art to modify the method of Dunham to add wherein the application is one of a word processor, a spreadsheet program, an email program, or a browser in order back-up different types of data for later use.

Office Action dated 10/05/2004, page 9.

Claims 25 and 41 recite similar features as claim 7 and were rejected for similar rationale. In as much as base claims 1, 19, and 35 include elements not shown or described in claim 7, 25, and 41, the same distinctions between Dunham and the claimed invention in claims 1, 19, and 35 apply for claims 7, 25, and 41. Moreover, if an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Thus, claims 7, 25, and 41 are non-obvious as Applicants have already demonstrated base claims 1, 19, and 35 to be in condition for allowance. Applicants respectfully submit that claims 7, 25, and 41 are also allowable, at least by virtue of their dependence on an allowable base claim.

Therefore, the rejection of claims 7, 25, and 41 under 35 U.S.C. § 103(a) as being unpatentable over Dunham in view of Office Notice has been overcome, and such a notice is respectfully requested.

## III.    Conclusion

It is respectfully urged that the subject application is patentable over Dunham and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: April 15, 2005

Respectfully submitted,

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